

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

JOSEPH DARRAH,

Plaintiff,

v.

1:09-cv-68

**GOVERNMENT OF THE VIRGIN ISLANDS
on behalf of the JUAN F. LUIS HOSPITAL,
LLOYD HENRY, M.D., and DR. X, Y, and Z,**

Defendants.

**TO: Lee J. Rohn, Esq.
Eugenio W.A. Geigel-Simounet, Esq.**

ORDER

THIS MATTER came before the Court for consideration upon Defendants Government of the Virgin Islands on behalf of the Juan F. Luis Hospital and Lloyd Henry, M.D.'s Motion For Reconsideration (Docket No. 11) and Plaintiff's Motion For Entry of Default (Docket No. 12).

Said Defendants seek reconsideration of the Court's Order (Docket No. 9) granting Plaintiff's motion to compel an answer but allowing said Defendants additional time within which to file their answer to Plaintiff's complaint or otherwise respond.¹

1. As part of their motion, said Defendants claim that they never received the notice of electronic filing of Plaintiff's Motion to Compel Defendant Government of the Virgin Islands to Answer (Docket No. 8).

Having reviewed the motion and the record herein, the Court finds that regardless of Plaintiff's motion to compel, Defendants have been given ample time to file their answer or otherwise respond. Said Defendants filed a motion for extension of time on November 5, 2009, in which they request an extension of thirty(30) days. The Court granted the request for an extension, but limited it to twenty-five (25) days from the date of the motion, extending the deadline to November 30, 2009. Now, eleven (11) days later and six (6) days beyond the originally requested extension period, said Defendants still have not filed an answer or other response. Given the delay between the filing of the motion for reconsideration and the issuance of this order, however, the Court will grant said Defendants one (1) additional week.

In view of the foregoing, the Court will deny Plaintiff's Motion For Entry of Default Against Lloyd Henry, MD (Docket No. 12).

Accordingly, it is now hereby **ORDERED**:

1. Defendants Government of the Virgin Islands on behalf of Juan F. Luis Hospital and Lloyd Henry, M.D.'s Motion For Reconsideration (Docket No. 11) is **GRANTED IN PART AND DENIED IN PART.**

However, the notice of electronic filing clearly shows that notice was sent to counsel for said Defendants to the e-mail address on file. *See* Notice of Electronic Filing attached.

2. Defendants Government of the Virgin Islands and Lloyd Henry, M.D., shall file an answer or otherwise respond to Plaintiff's complaint in the above-captioned matter on or before **December 18, 2009**.
2. Plaintiff's Motion For Entry of Default Against Lloyd Henry, MD (Docket No. 12) is **DENIED**.

ENTER:

Dated: December 11, 2009

/s/ George W. Cannon, Jr.

GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE